



**An independent voice for
those served by KanCare.**

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Sen. Warren and members of the Senate Judiciary Committee; thank you for the opportunity to offer testimony in opposition to SB 258.

The Kansas Advocates Network (KAN) is a coalition of more than 50 organizations and 100 individuals who advocate on behalf of the 400,000 Kansans who depend upon the Kansas Medicaid program, KanCare. Many KAN partners provide support and services through KanCare's seven Home and Community Based Services (HCBS) waiver programs for their health care and long-term care. As an organization, our priority is breaking down barriers that deny all Kansans full community access.

Since 1990 the Americans with Disabilities Act of 1990 gave persons with disabilities the right to equal access. SB 258 is a step in the wrong direction, denying people with disabilities the ability to enforce that right through the courts. Under the ADA, people with disabilities cannot make a claim for personal compensation or monetary penalties when asking a business to comply with the ADA. They have nothing to gain by filing ADA complaints except acceptance and inclusion.

SB 258 punishes people trying to improve access while discouraging business owners to comply with the ADA. This is counterintuitive when those entities providing public services should be striving to become more accessible for all, including a growing number of aging Kansans who also face mobility and accessibility limitations. People with disabilities, including those receiving Medicaid benefits, need access to local businesses to assure they are living active healthy lifestyles which has been shown to improve outcomes and their quality of life.

SB 258 is an extreme solution to a problem that does not exist in Kansas. After more than 30 years, there is no evidence that establishing a cause of action for the undefined problem of “excessive or abusive litigation” is necessary. On the contrary, it would have a chilling effect on persons with accessibility claims from exercising their right to enforce equal access through the courts. Kansas law already has safeguards in place to prevent frivolous or abusive litigation.

SB 258 is unnecessary. At a time when we should be focused on breaking down barriers and supporting inclusion, this bill creates legal barriers and continues the discriminatory practices the ADA sought to eliminate. KAN asks you to oppose this unnecessary and punitive bill that discourages compliance with the ADA.

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